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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,902	12/20/2000	Valerie A. Simpson	9-13528-137US	4944
20988	7590	12/02/2005		
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			EXAMINER COULTER, KENNETH R	
			ART UNIT 2141	PAPER NUMBER

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/739,902	Applicant(s) SIMPSON ET AL.	
	Examiner Kenneth R. Coulter	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-11, 14-17, 20, 21, 24-27, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 12, 13, 18, 19, 22, 23, 28, 29, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 5, 8 - 11, 14 - 17, 20, 21, 24 – 27, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Sistanizadeh et al. (U.S. Pat. No. 6,963,575) (Enhanced Data Switching/Routing for Multi-Regional IP Over Fiber Network).

2.1 Regarding claim 1, Sistanizadeh discloses a method of protecting an Open Shortest Path First (OSPF) network against network failures affecting traffic flow between an interior router (IR) and a predetermined primary area border router (ABR) using a back-up link between the IR and a predetermined alternate ABR, the method comprising steps of:

maintaining the back-up link in a dormant state during normal operations of the network, such that no traffic is forwarded to the back-up link during normal operations of the network (col. 15, lines 13 – 21 “backup mode”; col. 15, lines 39 - 44); and

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activating the back-up link in response to a network failure affecting communications between the IR and the primary ABR, such that traffic can be routed between the IR and the alternate ABR through the back-up link (col. 15, lines 16 - 44).

2.2 Per claim 2, Sistanizadeh teaches a method as claimed in claim 1, wherein the step of maintaining the back-up link in a dormant state comprises steps of:

assigning a backup interface type attribute to the back-up link (col. 3, lines 27 – 51; col. 9, lines 19 - 36); and

controlling each of the IR and the alternate ABR such that:

information respecting the back-up link is not advertised to adjacent routers (col. 3, lines 27 – 51; col. 9, lines 19 - 36); and

the back-up link is not identified as a valid route in respective forwarding tables of each of the IR and the alternate ABR (col. 3, lines 27 – 51; col. 9, lines 19 - 36).

2.3 Regarding claim 3, Sistanizadeh discloses a method as claimed in claim 1, wherein the step of activating the back-up link comprises steps of:

detecting the network failure affecting communications between the IR and the primary ABR (col. 15, lines 16 - 44);

promoting the back-up link to an active status (col. 15, lines 16 - 44); and

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advertising the back-up link as a valid route (col. 3, lines 27 – 51; col. 9, lines 19 – 36).

2.4 Per claims 4 – 5 and 8 – 11, the rejection of claims 1 – 3 under 35 USC 102(e) (paragraphs 2.1 – 2.3 above) applies fully.

2.5 Regarding claims 14 – 17, 20, 21, 24 – 27, 30, and 31, the rejection of claims 1 – 5 and 8 – 11 under 35 USC 102(e) (paragraphs 2.1 – 2.4 above) applies fully.

Response to Arguments

3. Applicant's arguments with respect to claims 1 – 5, 8 – 11, 14 – 17, 20, 21, 24 – 27, 30, and 31 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claims 6, 7, 12, 13, 18, 19, 22, 23, 28, 29, 32, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER
PRIMARY EXAMINER


krc